

PD-0395-20

NICOLE PATRICE SELECTMAN	§	IN THE COURT OF
	§	FILED
	§	COURT OF CRIMINAL APPEALS
	§	3/22/2021
VS.	§	DEANA WILLIAMSON, CLERK
	§	CRIMINAL APPEALS
	§	
STATE OF TEXAS	§	OF TEXAS

**MOTION TO AMEND APPELLANT'S REPLY BRIEF**

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, NICOLE P. SELECTMAN, who by and through his appellate counsel of record, Mr. Dean A. Diachin, and pursuant to TEX. R. APP. P. 38.7, does hereby respectfully move this Honorable Court for leave to amend appellant's reply brief, and in support thereof would show the Court the following:

**I. Procedural History.**

Appellant was found guilty of aggravated assault on June 14, 2018. The court of appeals upheld the trial court's judgment on March 25, 2020. This Court granted discretionary review on November 25, 2020. Appellant filed her initial brief in this Court on January 12, 2021 and the State filed its response on February 11, 2021. Appellant filed her initial reply on March 15, 2021 and the instant amended reply on March 19, 2021.

**II. Reason for Amendment.**

Minor errors in typography, word choice, & example citation persisted in appellant's reply brief even after that document was filed. None of appellant's recent edits and/or corrections significantly changes the structure or content of appellant's initial reply. The primary substantive addition is footnote no. 7, wherein appellant notes that, if appellant may be denied instructions on self-defense and defense of a third person under these circumstances, then a member of Texas law enforcement who harms a third person while seeking to protect himself or others may also be denied those same instructions.

Thus, out of an abundance of caution, appellate counsel simply wishes to present the most reader-friendly work product possible.

### **III. Prayer**

WEREFORE, PREMISES CONSIDRERED, appellant respectfully requests this Honorable Court grants appellant's "motion to amend appellant's reply brief," and accepts appellant's amended reply brief in lieu of the reply she filed on March 15, 2021.

Respectfully submitted,

/s/ Dean A. Diachin

DEAN A. DIACHIN

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ATTORNEY FOR APPELLANT.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing “motion to amend appellant’s reply brief,” has been e-served on the Bexar County District Attorney’s Office, Appellate Division, 101 W. Nueva St., San Antonio, TX 78205 on March 19, 2021.

/s/ Dean A. Diachin

DEAN A. DIACHIN

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